Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1 and 2. The attached sheet, including Figs. 1 and 2, replace the original sheet including Figs. 1 and 2.

REMARKS

The Office Action dated January 9, 2006 has been received and carefully noted. The above amendments to the drawings, the attached Terminal Disclaimer, and the following remarks are submitted as a full and complete response to the Office Action.

Figs. 1 and 2 are amended in the attached replacement sheet. A terminal disclaimer is attached. Applicants gratefully acknowledge the indication that claim 9 would be allowable if rewritten into independent form. However, Applicants respectfully submit that claim 9 is allowable in its present form for the reasons set forth below. Claims 1-30 are respectfully submitted for consideration.

The Office Action provisionally rejected claims 1-30 under the judicially created doctrine of non-statutory double patenting over claims 31-60 of co-pending U.S. Patent Application No. 10/495,275 (U.S. Patent Publication No. 2005/0043038 (hereinafter '038)). The Office Action asserts that although the conflicting claims are not identical, they both describe using control and user planes in order to provide location determination data.

As stated above, a terminal disclaimer is attached. Accordingly, withdrawal of the provisional double patenting rejection is respectfully requested.

The Office Action objected to the drawings because of informalities. Applicants respectfully that in the attached replacements sheet, Figs. 1 and 2 are amended to add labels to the components represented in the Figs. 1 and 2. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

The Office Action rejected claims 1-8 and 10-30 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,225,944 to Hayes (Hayes). This rejection is respectfully traversed.

Claim 1, from which claims 2-14 depend, recites a method in association with a communication system for providing location information. The method includes signaling a request for a connection between user equipment and another party, and analyzing the requested connection. The method further includes detecting whether location information is required in association with the requested connection. The method further includes activating a process for determining information about a location of the user equipment. The method further includes communicating first information in association with the determining process on a control plane between the user equipment and the communication system. Still further the method includes communicating second information in association with the determining process on a user plane between the user equipment and the communication system.

Claim 15 recites a computer program embodied on a computer readable medium comprising program code for performing the steps similarly recited in claim 1.

Claim 16, from which claims 17-22 depend, recites an arrangement for providing location information in association with a communication system configured for communication of information relating to determination of a location of user equipment. The communication system includes a controller configured to detect if location information is required in association with a connection and to activate a process for

determining information about a location of user equipment in response to detection that information about the location of the user equipment is required. The system further includes a connection means for providing a connection between the user equipment and another party, the connection means being configured to communicate first information in association with a location determining process on a control plane and second information in association with the location determining process on a user plane.

Claim 23, from which claim 24 depends, recites auser equipment. The user equipment includes a controller configured to activate a process for determining information about a location of user equipment in response to detection that information about the location of the user equipment is required. The user equipment further includes a location information processing entity configured to process information required by the location determining process. The user equipment further includes a transceiver for wireless communication of information required by the location determining process for communication of first information in association with the location determining process on a control plane and second information in association with the location determining process on a user plane.

Claim 25, from which claims 26 and 27 depend, recites a node for a communication system configured for processing location information. The node includes a controller configured to activate determination of information associated with a location of user equipment in response to detection that information about the location of the user equipment is required. The node further includes connection means

configured to communicate first information in association with a location determining process on a control plane and second information in association with the location determining process on a user plane.

Claim 28 is directed to a gateway that includes the features recited in claim 25.

Claim 29, from which claim 30 depends recites a user equipment. The user equipment includes an activating means for activating a process for determining information about a location of user equipment in response to detection that information about the location of the user equipment is required. The user equipment further includes location information processing means for processing information required by the location determining process. The user equipment further includes communication means for communicating information required by the location determining process for communication of first information in association with the location determining process on a control plane and second information in association with the location determining process on a user plane.

The present invention is directed to solving the problems associated with the prior art systems such as the user plane location service communications and control plane communications of the emergency cannot be associated to each other because of a lack of a suitable interface. Applicants respectfully submit that the pending claims recite features that are neither disclosed nor suggested in Hayes.

Hayes is directed to a method of reporting the location of a mobile phone by locating a Global Positioning System (GPS) receiver in a mobile communications

network. The method provides location information in a communications system in which the location information is transmitted from a user terminal in a Teletype/Telephony Device for the Deaf (TTY/TDD) compatible format.

Applicants respectfully submit that Hayes fails to disclose or suggest at least the features of communicating first information in association with the determining process on a control plane between the user equipment and the communication system, and communicating second information in association with the determining process on a user plane between the user equipment and the communication system, as recited in claim 1 and similarly recited in claims 15, 23, 25, 28, and 29.

Instead, Hayes merely describes a standard mobile communications network in which a mobile phone communicates across an air interface with an antenna to transmit voice channel (user plane) and control channel (control plane) signals to a base station. Hayes fails to mention a process in which the determination of the location of a user equipment is sent over both the control plane and a user plane. Hayes describes the transceiver of the mobile phone is able to send the TTY/TDD protocol formatted messages comprising the location information across the voice channel, and that the location information could be transmitted across the control channel as a control channel message, which in this case the transceiver will send data which encodes the TTY/TDD formatted message across the control channel. (See Hayes at column 5 lines 21-34). Thus, at best, Hayes describes that information for determining the location of a user equipment is either sent across the voice channel (user plane) or alternatively sent across

the control channel (control plane). Hayes, however, does not disclose sending a portion of the location information over the control plane and another portion of the location information over the user plane, as claimed in the present invention.

Applicants respectfully submit that because claims 2-8, 17-22, 24, 26-27 and 30 depend from claims 1, 16, 23, 25, and 29, respectively, these claims are allowable at least for the same reasons as claims 1, 16, 23, 25, and 29, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Hayes fails to disclose or suggest all of the features recited in claims 1-8 and 10-30. Accordingly, withdrawal of the rejection of claims 1-8 and 10-30 under 35 U.S.C. 102(b) is respectfully requested.

The Office Action objected to claim 9 for being depend from a rejected base claim, but would be allowable is rewritten into independent form. Applicants respectfully submit that because claim 9 depends from claim 1, claim 9 is allowable in its present form, at least for the same reasons as claim 1. Accordingly, withdrawal of the objection to claim 9 is respectfully requested.

Applicants respectfully submit that each of claims 1-30 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 1-30 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Replacement Drawings (1 sheet – Figs. 1-2)
Terminal Disclaimer
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